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OFFICE OF PETITIONS

In re Application of
Robert Allan Bourne et al.
Application No. 09/785,390
Filed: February 16, 2001
Attorney Docket No. RD28106-1

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed December 29, 2003, to revive the above-identified application.

The petition is granted.

The above-identified application became abandoned for failure to reply in a timely manner in reply to the non-final Office action mailed March 27, 2003, which set a shortened statutory period for reply of three months. No extensions of time under the provisions of 37 CFR 1.136 have been obtained. Accordingly, the application became abandoned on June 28, 2003.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the extension of time submitted with the petition on December 29, 2003 was subsequent to the maximum extendable period for reply, the extension of time is unnecessary. Accordingly, no fee has been charged.

The application file is being forwarded to Technology Center AU 1732 for further processing.

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.

Latrice Bond
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for Patent Examination Policy